

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

James Contant, Martin-Han Tran, Carlos Gonzalez, Ugnius Matkus, Jerry Jacobson, and Paul Vermillion, on behalf of themselves and all others similarly situated

DEFENDANTS

Bank of America Corporation, et al.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Joshua Ripley, Berger & Montague, P.C.

1622 Locust Street

Philadelphia, PA 19103

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

15 U.S.C. Section 1 (Sherman Antitrust Act) – Unlawful Conspiracy in Unreasonable Restraint of Trade

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☐ Yes ☒ Judge Previously Assigned **Lorna G. Schofield**

If yes, was this case Vol. ☒ Invol. ☐ Dismissed. No ☐ Yes ☒ If yes, give date 04/28/2017 & Case No. 1:16-cv-07512

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒

Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT

- ☐ 110 INSURANCE
- ☐ 120 MARINE
- ☐ 130 MILLER ACT
- ☐ 140 NEGOTIABLE INSTRUMENT
- ☐ 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- ☐ 151 MEDICARE ACT
- ☐ 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)
- ☐ 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS
- ☐ 160 STOCKHOLDERS SUITS
- ☐ 190 OTHER CONTRACT
- ☐ 195 CONTRACT PRODUCT LIABILITY
- ☐ 196 FRANCHISE

PERSONAL INJURY

- ☐ 310 AIRPLANE
- ☐ 315 AIRPLANE PRODUCT LIABILITY
- ☐ 320 ASSAULT, LIBEL & SLANDER
- ☐ 330 FEDERAL EMPLOYERS' LIABILITY
- ☐ 340 MARINE
- ☐ 345 MARINE PRODUCT LIABILITY
- ☐ 350 MOTOR VEHICLE
- ☐ 355 MOTOR VEHICLE PRODUCT LIABILITY
- ☐ 360 OTHER PERSONAL INJURY
- ☐ 362 PERSONAL INJURY - MED MALPRACTICE

ACTIONS UNDER STATUTES

CIVIL RIGHTS

- ☐ 440 OTHER CIVIL RIGHTS (Non-Prisoner)
- ☐ 441 VOTING
- ☐ 442 EMPLOYMENT
- ☐ 443 HOUSING/ ACCOMMODATIONS
- ☐ 445 AMERICANS WITH DISABILITIES - EMPLOYMENT
- ☐ 446 AMERICANS WITH DISABILITIES -OTHER
- ☐ 448 EDUCATION

PERSONAL INJURY

- ☐ 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY
- ☐ 365 PERSONAL INJURY PRODUCT LIABILITY
- ☐ 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

PERSONAL PROPERTY

- ☐ 370 OTHER FRAUD
- ☐ 371 TRUTH IN LENDING

PRISONER PETITIONS

- ☐ 463 ALIEN DETAINEE
- ☐ 510 MOTIONS TO VACATE SENTENCE
- ☐ 530 HABEAS CORPUS
- ☐ 535 DEATH PENALTY
- ☐ 540 MANDAMUS & OTHER

PRISONER CIVIL RIGHTS

- ☐ 550 CIVIL RIGHTS
- ☐ 555 PRISON CONDITION
- ☐ 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT

FORFEITURE/PENALTY

- ☐ 625 DRUG RELATED SEIZURE OF PROPERTY
- ☐ 21 USC 881
- ☐ 690 OTHER

LABOR

- ☐ 710 FAIR LABOR STANDARDS ACT
- ☐ 720 LABOR/MGMT RELATIONS
- ☐ 740 RAILWAY LABOR ACT
- ☐ 751 FAMILY MEDICAL LEAVE ACT (FMLA)
- ☐ 790 OTHER LABOR LITIGATION
- ☐ 791 EMPL RET INC SECURITY ACT (ERISA)

IMMIGRATION

- ☐ 462 NATURALIZATION APPLICATION
- ☐ 465 OTHER IMMIGRATION ACTIONS

BANKRUPTCY

- ☐ 422 APPEAL
- ☐ 28 USC 158
- ☐ 423 WITHDRAWAL
- ☐ 28 USC 157

PROPERTY RIGHTS

- ☐ 820 COPYRIGHTS
- ☐ 830 PATENT
- ☐ 840 TRADEMARK

SOCIAL SECURITY

- ☐ 861 HIA (1395ff)
- ☐ 862 BLACK LUNG (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID TITLE XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS

- ☐ 870 TAXES (U.S. Plaintiff or Defendant)
- ☐ 871 IRS-THIRD PARTY
- ☐ 26 USC 7609

OTHER STATUTES

- ☐ 375 FALSE CLAIMS
- ☐ 376 QUI TAM
- ☐ 400 STATE REAPPORTIONMENT
- ☒ 410 ANTITRUST
- ☐ 430 BANKS & BANKING
- ☐ 450 COMMERCE
- ☐ 460 DEPORTATION
- ☐ 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
- ☐ 480 CONSUMER CREDIT
- ☐ 490 CABLE/SATELLITE TV
- ☐ 850 SECURITIES/ COMMODITIES/ EXCHANGE
- ☐ 890 OTHER STATUTORY ACTIONS
- ☐ 891 AGRICULTURAL ACTS
- ☐ 893 ENVIRONMENTAL MATTERS
- ☐ 895 FREEDOM OF INFORMATION ACT
- ☐ 896 ARBITRATION
- ☐ 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
- ☐ 950 CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE Lorna G. Schofield DOCKET NUMBER 1:13-cv-07789

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation (Transferred)
 ☐ 7 Appeal to District Judge from Magistrate Judge
- ☐ a. all parties represented
 ☐ b. At least one party is pro se.
 ☐ 8 Multidistrict Litigation (Direct File)

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION**IF DIVERSITY, INDICATE CITIZENSHIP BELOW.**

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☒ 3 FEDERAL QUESTION
 ☐ 4 DIVERSITY
- (U.S. NOT A PARTY)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

James Contant, Monroe County, New York; Martin-Han Tran, Orange County, California; Carlos Gonzalez, Broward County, Florida; Ugnius Matkus, Cook County, Illinois; Jerry Jacobson, Wright County, Minnesota; Paul Vermillion, Guilford County, North Carolina.

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

See attached.

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21. DO NOT check either box if this is a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN

DATE 04/28/2017 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

/s/ Joshua T. Ripley

ADMITTED TO PRACTICE IN THIS DISTRICT

☒ NO☐ YES (DATE ADMITTED Mo. _____ Yr. _____)

Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

ATTACHMENT TO CIVIL COVER SHEET			
#	DEFENDANT	ADDRESS	COUNTY
1	Bank of America Corporation	100 N. Tryon Street Charlotte, NC 28255	Mecklenburg
2	Bank of America, N.A.	100 N. Tryon Street Charlotte, NC 28255	Mecklenburg
3	Merrill Lynch, Pierce, Fenner & Smith	One Bryant Park New York, NY 10036	New York
4	The Bank of Tokyo Mitsubishi UFJ Ltd.	Tokyo, Japan	N/A
5	Barclays Bank PLC	745 Seventh Avenue New York, NY 10019	New York
6	Barclays Capital Inc.	745 Seventh Avenue New York, NY 10019	New York
7	BNP Paribas Group	Paris, France	N/A
8	BNP Paribas North America, Inc.	787 Seventh Avenue New York, NY 10019	New York
9	BNP Paribas Securities Corp.	787 Seventh Avenue New York, NY 10019	New York
10	BNP Paribas Prime Brokerage, Inc.	787 Seventh Avenue New York, NY 10019	New York
11	Citicorp	399 Park Avenue New York, NY 10022	New York
12	Citigroup Inc.	399 Park Avenue New York, NY 10022	New York
13	Citibank, N.A.	701 East 60 th Street North Sioux Falls, SD 57104-0432	Minnehaha
14	Citigroup Global Markets Inc.	388 Greenwich Street New York, NY 10013	New York
15	Credit Suisse Group AG	Zurich, Switzerland	N/A
16	Credit Suisse AG	Zurich, Switzerland	N/A
17	Credit Suisse Securities (USA) LLC	11 Madison Avenue New York, NY 10010	New York
18	Deutsche Bank AG	Frankfurt, Germany	N/A
19	Deutsche Bank Securities Inc.	60 Wall Street New York, NY 10005-2858	New York
20	The Goldman Sachs Group, Inc.	200 West Street New York, NY 10282	New York
21	Goldman Sachs & Co.	200 West Street New York, NY 10282	New York

ATTACHMENT TO CIVIL COVER SHEET			
#	DEFENDANT	ADDRESS	COUNTY
22	HSBC Holdings PLC	London, England	N/A
23	HSBC Bank PLC	London, England	N/A
24	HSBC North America Holdings, Inc.	452 Fifth Avenue New York, NY 10018	New York
25	HSBC Bank USA, N.A.	452 Fifth Avenue New York, NY 10018	New York
26	HSBC Securities (USA) Inc.	452 Fifth Avenue New York, NY 10018	New York
27	JPMorgan Chase & Co.	270 Park Avenue, 38 th Floor New York, NY 10017	New York
28	JPMorgan Chase Bank, N.A.	270 Park Avenue, 38 th Floor New York, NY 10017	New York
29	Morgan Stanley	1585 Broadway New York, NY 10036	New York
30	Morgan Stanley & Co., LLC	1585 Broadway New York, NY 10036	New York
31	Morgan Stanley & Co. International PLC	London, England	N/A
32	RBC Capital Markets LLC	Three World Financial Center 200 Vesey Street, 5 th Floor New York, NY 10281	New York
33	Royal Bank of Scotland Group PLC	Edinburgh, Scotland	N/A
34	RBS Securities Inc.	600 Washington Blvd. Stamford, CT 06901	Fairfield
35	Société Générale S.A.	Paris, France	N/A
36	Standard Chartered Bank	London, England	N/A
37	UBS AG	Basel and Zurich, Switzerland	N/A
38	UBS Group AG	Zurich, Switzerland	N/A
39	UBS Securities LLC	677 Washington Blvd. Stamford, CT 06901	Fairfield